

APPEAL NO. 032976  
FILED DECEMBER 23, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 21, 2003. The hearing officer resolved the disputed issue by deciding that the respondent's (claimant) compensable injury of \_\_\_\_\_, extends to include L4-5 and L5-S1 left radiculopathy. The appellant (carrier) appealed, contending that the evidence is insufficient to support the hearing officer's decision. The claimant asserts that sufficient evidence supports the hearing officer's decision.

DECISION

Affirmed.

It is undisputed that the claimant sustained a compensable lower back injury for which he had extensive lumbar spine surgery in 1999. The carrier asserts that the 1999 surgery cured the claimant and thus his compensable injury has resolved. Although there is conflicting evidence in this case, the claimant's testimony, the opinion of the claimant's treating doctor, and the opinion of the Texas Workers' Compensation Commission-required medical examination doctor, support the hearing officer's decision. We note that Section 408.021(a) provides that an employee who sustains a compensable injury is entitled to all health care reasonably required by the nature of the injury as and when needed. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. While the carrier asserts that the hearing officer ignored the medical evidence, it is abundantly clear from the hearing officer's decision that he considered the medical evidence, as well as the claimant's testimony, in resolving the disputed issue. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **VALLEY FORGE INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert W. Potts  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Thomas A. Knapp  
Appeals Judge